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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,294	04/19/2006	Daisuke Kobayashi	2006_0584A	4491

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WENDEROTH, LIND & PONACK L.L.P.  
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SUITE 800  
WASHINGTON, DC 20006

EXAMINER
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CHAU, PETER P

ART UNIT	PAPER NUMBER
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4144

MAIL DATE	DELIVERY MODE
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11/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,294	<b>Applicant(s)</b> KOBAYASHI ET AL.	
	<b>Examiner</b> PETER CHAU	<b>Art Unit</b> 4144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 60-115 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 98-102, 109-111 and 113-115 is/are allowed.
- 6) ☒ Claim(s) 60-97 is/are rejected.
- 7) ☒ Claim(s) 103-108 and 112 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/19/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. **Claims 60-115** are have been examined and are pending.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

3. An initialed and dated copy of Applicant's IDS form 1449 submitted on 4/19/2006 is attached to the Office Action.
4. The IDS submitted on 4/19/2006 listing references including Non-Patent Literature, was not considered because all the references listed were not provided with a complete English translation of each reference.

#### ***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because it is over 150 words and is not limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

8. The disclosure is objected to because of the following informalities: paragraph [0027] cites a transmission source logical address portion 2006. The figures do not disclose a portion 2006. Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: the sentence, "Patent Document 1: JP-A-2003-87180" in the last line of Background Art, needs to be placed right after the heading Background Art because while initially reading the Background Art, there is no information to what is Patent Document 1. Appropriate correction is required.

### ***Claim Objections***

10. **Claim 78** is objected to because of the following informalities: the term "time" is supposed to be "timer". Appropriate correction is required.

11. **Claims 108 and 112** are objected to because of the following informalities: the word, "and" in "...effective time, and the appending step, the broadcast..." is grammatically incorrect. The word "and" is supposed to be placed before "...the broadcast transmission..." Appropriate correction is required.

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12. **Claim 103** is objected to because of the following informalities: There is a duplicate limitation disclosed within claim 103 on page 19 citing, “a broadcast transmission step for a continuous reception of transmitting the continuous operation request signal by a broadcast...” Appropriate correction is required.

13. **Claims 104-107** are objected by virtue of their dependencies.

***Claim Rejections - 35 USC § 112***

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 60, 79** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term, “...outside” does not specify as to what is outside.

15. **Claims 60 and 79** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase, “various kinds of data,” is unclear and vague and does not specify what the various data is.

16. **Claims 61-78 and 80-97** are rejected by virtue of their dependencies.

***Allowable Subject Matter***

17. The following is a statement of reasons for the indication of allowable subject matter.

**As per independent claim 98**, US Patent 5,881,055 to Kondo et al (hereinafter “Kondo”) teaches an apparatus that receives data intermittently in a communication system, a reception timer for intermittent reception based on receipt of data, appending the continuous operation request to transmission data, transmitting to a continuous reception device and broadcasting to an intermittent reception device (page 7 lines 30-34, figure 1, page 24 lines 43-46 and page 25 lines 2-7, page 24 lines 37-38, page 11-12 lines 67-2, page 24 lines 58-63).

Kondo is silent on a transmission setting reading step of reading out a state of a transmission setting that is enabled.

US 2002/0120766 to Okajima et al (hereinafter “Okajima”) teaches a transmission setting that is monitored for being enabled or disabled (paragraph [0044]).

However, the prior arts made of record does not teach or fairly suggests the limitations regarding a communication device that controls transmission to transmits a continuous operation request to start counting the continuous operation time in an intermittent reception communication device and for the transmitting end to start its own timer to count the continuous operation time. Also, the prior arts made of record does not teach or fairly suggests the limitations regarding transmission through broadcast or simplex to an intermittent or continuous reception device over a period shorter or longer than the active and inactive period when the continuous operation request is received. Broadcast or simplex transmission to an intermittent or continuous reception device is well known in signaling for power saving. However, transmission over a period longer or

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shorter than the active and inactive period when a continuous operation request is received is not an obvious combination and therefore is allowable subject matter.

**Claims 99-102, 109-111 and 113-115** are allowed over prior art of record by virtue of their dependencies.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,049,708 Tsujita discloses a communication apparatus for intermittently receiving a broadcast during an intermittent time that depends on temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHAU whose telephone number is (571)270-7152. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-242-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./

Examiner, Art Unit 4144

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4144